



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 17 2008

REPLY TO THE ATTENTION OF:
L-8J

CERTIFIED MAIL
RECEIPT NO. 7001 0320 0005 8921 6419

Mr. Michael Cannon
4542 North 84th Street
Milwaukee, Wisconsin 53225

Re: In the Matter of Michael Cannon, Docket No: *TSCA-05-2008-0015⁰²*

Dear Mr. Cannon:

The U.S. Environmental Protection Agency, Region 5, has filed the enclosed complaint against you under Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a). The complaint alleges six violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 et seq.

As provided in the complaint, if you would like to request a hearing, you must do so in your answer to the complaint. Please note that if you do not file an answer with the Regional Hearing Clerk (E-13J), U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, within 30 days of your receipt of this complaint, a default order may be issued and the proposed civil penalty will become due 30 days later.

In addition, whether or not you request a hearing, you may request an informal settlement conference. If you wish to request a conference, or if you have any questions about this matter, please contact Maria Gonzalez, Associate Regional Counsel at (312)886-6630.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosures

cc: Shelley Bruce

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. TSDA-05-2008-001522,
Michael Cannon)	Proceeding to Assess a
Milwaukee, Wisconsin)	Civil Penalty Under
Respondent.)	Section 16(a) of the
)	Toxic Substances Control
)	Act, 15 U.S.C. § 2615(a)

COMPLAINT

1. This is an administrative proceeding to assess a civil penalty under section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).
2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is Michael Cannon, an individual who resides at 4542 North 84th Street, Milwaukee, Wisconsin.

STATUTORY AND REGULATORY BACKGROUND

4. In promulgating section 1018 of Title X, the Residential Lead-Based Paint Hazard Reduction Act of 1992, at 42 U.S.C. § 4851, Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. Key components of the national strategy to reduce and eliminate the threat of childhood lead

poisoning are mandatory disclosure and notification requirements for residential rentals and sales. Section 1018, 42 U.S.C. § 4852d, requires the Administrator of U.S. EPA to promulgate regulations for the disclosure of lead-based paint hazards in target housing which is offered for sale or lease.

5. On March 6, 1996, U.S. EPA promulgated regulations codified at 40 C.F.R. part 745, subpart F, entitled "Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property" (the Disclosure Rule), pursuant to 42 U.S.C. § 4852d. Owners of one to four residential dwellings must comply with the Disclosure Rule by December 6, 1996, pursuant to 40 C.F.R. § 745.102(b).

6. The Disclosure Rule implements the provisions of 42 U.S.C. § 4852d which impose certain requirements on the sale or lease of target housing.

7. 40 C.F.R. § 745.103 defines "target housing" as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

8. 40 C.F.R. § 745.103 defines "lessor" as any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

9. 40 C.F.R. § 745.103 defines "agent" as any party who enters into a contract with a seller or a lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing.

10. 40 C.F.R. § 745.103 defines "lessee" as any entity that enters into an agreement to lease, rent or sublease target housing, including, but not limited to individuals, partnerships,

corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

11. 40 C.F.R. § 745.107(a)(1) requires a lessor to provide a lessee with an EPA-approved lead hazard information pamphlet before a purchaser or lessee is obligated under any contract to purchase or lease target housing.

12. 40 C.F.R. § 745.100 requires, among other things, that a seller or lessor of target housing complete the required disclosure activities before a purchaser or lessee is obligated under any contract to purchase or lease target housing.

13. 40 C.F.R. § 745.113(b) requires, among other things, that each contract to lease target housing include as an attachment or within the contract, a lead warning statement; a statement by the lessor disclosing the presence of any known lead-based paint or lead-based paint hazards or the lack of knowledge of such presence; a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist; a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (3) and the Lead Hazard Information Pamphlet required by 15 U.S.C. § 2696; and signatures and dates of signatures of the lessor and lessee certifying the accuracy of their statements.

14. 40 C.F.R. § 745.115(a) requires an agent to ensure compliance with all requirements of the Disclosure rule, including personally ensuring performance of the activities required under 40 C.F.R. §§ 745.107 and 745.113.

15. Under 42 U.S.C. § 4852d(b)(5) and 40 C.F.R. § 745.118(e), failing to comply with the Disclosure Rule violates section 409 of TSCA, 15 U.S.C. § 2689, which may subject the

violator to administrative civil penalties under section 16(a) of TSCA, 15 U.S.C. § 2615(a), 40 C.F.R. § 745.118(f), and 42 U.S.C. § 4852d(b)(5).

16. Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.188(f), authorize the Administrator of U.S. EPA to assess a civil penalty under section 16(a) of TSCA of up to \$10,000 for each violation of Section 409 of TSCA. U.S. EPA increased the maximum penalty to \$11,000 for each violation occurring after July 28, 1997. 40 C.F.R. § 745.118(f) and 40 C.F.R. Part 19.

GENERAL ALLEGATIONS

17. Complainant incorporates paragraphs 1 through 16 of this Complaint as if set forth in this paragraph.

18. Between at least January 1993 and November 2006, Respondent owned a residential apartment building at 3335 North 20th Street, Milwaukee, Wisconsin (Respondent's Property).

19. Respondent's Property was constructed prior to 1978.

20. Respondent's Property and each apartment unit within Respondent's Property are "target housing" as defined in 40 C.F.R § 745.103.

21. For the property located at 3335 North 20th Street, Milwaukee, Wisconsin, PIN number 285-2112, publicly available documents from 2006 identify Michael Cannon as the Grantee.

22. For the property located at 3335 North 20th Street, Milwaukee, Wisconsin, PIN number 285-2112, publicly available documents indicate that tax bills for tax year 2007 were sent to Michael Cannon as the taxpayer.

23. For the property located at 3335 North 20th Street, Milwaukee, Wisconsin, PIN number 285-2112, publicly available documents from 2006 state the value of the property is approximately \$61,000.

24. In August 2005, Respondent, either directly or through his authorized agent, entered into an oral contract with Latoya Holman to lease Apt. A at 3335 North 20th Street, Milwaukee, Wisconsin.

25. The contract referenced in paragraph 24, above, covered a term of occupancy greater than 100-days.

26. Latoya Holman occupied Apt. A at 3335 North 20th Street, Milwaukee, Wisconsin, under the contract referenced in paragraph 24, with her two children, whose birthdates are August 9, 2004 and March 17, 2003.

27. The child born on March 17, 2003, who occupied Apt. A at 3335 North 20th Street, Milwaukee, Wisconsin, with Latoya Holman, under the contract referenced in paragraph 24, manifested a lead blood level of 22 ug/dL (micrograms per deciliter) in a blood test drawn on June 14, 2006.

28. Between at least January 2000 and April 2006, Respondent offered for lease units in his apartment building, and individuals entered into contracts to lease those units, including the contract referenced in paragraph 24.

29. Respondent is a "lessor," as defined in 40 C.F.R. § 745.103, since he has offered the target housing referenced in paragraph 24 above, for lease.

30. The individual who signed a lease or entered into an oral contract to pay rent in exchange for occupancy of a unit, referenced in paragraph 24, above, became a "lessee" as defined in 40 C.F.R. § 745.103.

31. On or about October 22, 2007, U.S. EPA sent a letter to Respondent, advising Respondent that U.S. EPA was planning to file a civil administrative complaint against Respondent for specific alleged violations of Section 1018 and that the complaint would seek a civil penalty. U.S. EPA asked Respondent to identify any factors Respondent thought U.S. EPA should consider before issuing the complaint. If Respondent believed there were financial factors which bore on Respondent's ability to pay a civil penalty, the U.S. EPA asked Respondent to submit specific financial documents.

32. Respondent did not reply to the letter.

SPECIFIC ALLEGATIONS

COUNT I

40 C.F.R. § 745.107(a)(1)

33. Complainant incorporates paragraphs 1 through 32 of this Complaint as if set forth in this paragraph.

34. 40 C.F.R. § 745.107(a)(1) requires a lessor to provide a lessee with an EPA-approved lead hazard information pamphlet before a purchaser or lessee is obligated under any contract to purchase or lease target housing.

35. Respondent failed to provide the lessee of 3335 North 20th Street Apt. A, Milwaukee, Wisconsin an EPA-approved lead hazard information pamphlet before the lessee was obligated under the oral contract of August 2005 to lease target housing at 3335 North 20th Street Apt. A.

36. Respondent's failure to provide an EPA-approved lead hazard information pamphlet before the lessee was obligated under the leasing transaction referenced in paragraph 35, above, constitutes a violation of 40 C.F.R § 745.107(a)(1), 15 U.S.C. 2689, and 42 U.S.C. § 4852d(b)(5).

COUNT II
40 C.F.R. § 745.113(b)(1)

37. Complainant incorporates paragraphs 1 through 32 of this Complaint as if set forth in this paragraph.

38. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the required disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(1) requires a lessor to include, either within each contract or as an attachment to each contract to lease target housing, a Lead Warning Statement.

39. Respondent failed to include, either within the contract or as an attachment to the contract of August 2005 to lease 3335 North 20th Street Apt. A, Milwaukee, Wisconsin, a Lead Warning Statement.

40. Respondent's failure to include, either within the contract or as an attachment, a Lead Warning Statement for the leasing transaction referred to in paragraph 39 above, constitutes a violation of 40 C.F.R § 745.113(b)(1), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

COUNT III
40 C.F.R. § 745.113(b)(2)

41. Complainant incorporates paragraphs 1 through 32 of this Complaint as if set forth in this paragraph.

42. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the required disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(2) requires a lessor to include, either within each contract or as an attachment to each contract to lease target housing, a statement disclosing either the presence of any known lead-based paints and/or lead-based paint hazards in the target housing or a lack of knowledge of such presence.

43. Respondent failed to include, either within the contract or as an attachment to the contract of August 2005 to lease 3335 North 20th Street Apt. A, Milwaukee, Wisconsin, a statement disclosing either the presence of any known lead-based paints and/or lead-based paint hazards in the unit or a lack of knowledge of such presence.

44. Respondent's failure to include, either within the contract or as an attachment, a statement disclosing either the presence of any known lead-based paints and/or lead-based paint hazards in the target housing or a lack of knowledge of such presence, for the leasing transaction referred to in paragraph 43, above, constitutes a violation of 40 C.F.R. § 745.113(b)(2), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

COUNT IV
40 C.F.R. § 745.113(b)(3)

45. Complainant incorporates paragraphs 1 through 32 of this Complaint as if set forth in this paragraph.

46. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the required disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(3) requires a lessor to include, either within each contract or as an attachment to each contract to lease target housing, a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing that have been provided to the lessee or a statement that no such records are available.

47. Respondent failed to include, either within the contract or as an attachment to the contract of August 2005 to lease 3335 North 20th Street Apt. A, Milwaukee, Wisconsin, a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the in the target housing that have been provided to the lessee or a statement that no such records are available.

48. Respondent's failure to include, either within the contract or as an attachment, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing that have been provided to the lessee, or a statement that no such records are available, for the leasing transaction referred to in paragraph 47, above, constitutes a violation of 40 C.F.R. § 745.113(b)(3), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

COUNT V
40 C.F.R. § 745.113(b)(4)

49. Complainant incorporates paragraphs 1 through 32 of this Complaint as if set forth in this paragraph.

50. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the required disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(4) requires the lessor to include, either within each contract or as an attachment to each contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3) and the Lead Hazard Information Pamphlet required by 15 U.S.C. § 2696

51. Respondent failed to include, either within the contract or as an attachment to the contract of August 2005 to lease 3335 North 20th Street Apt. A, Milwaukee, Wisconsin, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3) and the Lead Hazard Information Pamphlet required by 15 U.S.C. § 2696.

52. Respondent's failure to include, either within the contract or as an attachment, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3) and the Lead Hazard Information Pamphlet required by 15 U.S.C. § 2696 for the

leasing transaction referred to in paragraph 51, above, constitutes a violation of 40 C.F.R § 745.113(b)(4), 15 U.S.C.§ 2689, and 42 U.S.C. § 4852d(b)(5).

COUNT VI

40 C.F.R. § 745.113(b)(6)

53. Complainant incorporates paragraphs 1 through 32 of this Complaint as if set forth in this paragraph.

54. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the required disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(6) requires the lessor to include, either within each contract or as an attachment to each contract to lease target housing, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge along with the dates of those signatures.

55. Respondent failed to include, either within the contract or as an attachment to the contract of August 2005 to lease 3335 North 20th Street Apt. A, Milwaukee, Wisconsin, the signatures of the lessor and the lessee certifying to the accuracy of their statements and the dates of such signatures.

56. Respondent's failure to include, either within the contract or as an attachment, the signatures of the lessor and the lessee certifying to the accuracy of their statements and the dates of such signatures for the leasing transaction referred to in paragraph 55, above, constitutes a violation of 40 C.F.R. § 745.113(b)(6), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

PROPOSED CIVIL PENALTY

57. Complainant proposes that the Administrator assess a civil penalty against

Respondent for the violations alleged in this Complaint as follows:

COUNT I

42 U.S.C. § 4852d
40 C.F.R. § 745.107(a)(1) \$11,000

COUNT II

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(1) \$10,320

COUNT III

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(2) \$7,740

COUNT IV

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(3) \$2,580

COUNT V

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(4) \$5,160

COUNT VI

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(6) \$1,290

TOTAL PROPOSED CIVIL PENALTY \$38,090

58. In determining the amount of any civil penalty, section 16 of TSCA requires U.S. EPA to take into account the nature, circumstances, extent and gravity of the violation or violations alleged and, with respect to the violator, ability to pay, affect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require.

59. The U.S. EPA calculates penalties by applying its “Section 1018 - Disclosure Rule Enforcement Response Policy,” dated December 2007 (Response Policy). This Response Policy provides a rational, consistent and equitable calculation methodology for applying the statutory factors to particular cases. As discussed in the Response Policy, the severity of each violation alleged in the complaint is based on the extent to which each violation impairs the ability of a lessee or purchaser to assess information regarding hazards associated with lead-based paint, and precludes the lessee or purchaser from making a fully informed decision whether to lease or purchase the housing or take appropriate measures to protect against lead-based paint hazards. Factors relevant to assessing an appropriate penalty include information pertaining to a Respondent’s ability to pay a penalty, any evidence showing that no lead-based paint exists in the cited housing, and any evidence that Respondent has taken steps to discover the presence of or has taken steps to abate lead-based paint and its hazards in subject housing.

60. As stated in paragraph 31, above, by letter dated October 1, 2007, the U.S. EPA advised Respondent that U.S. EPA was planning to file a civil administrative complaint against Respondent for alleged violations of section 1018 and that section 1018 authorizes the assessment of a civil administrative penalty. The U.S. EPA asked Respondent to identify any factors Respondent thought U.S. EPA should consider before issuing the complaint, and if Respondent believed there were financial factors which bore on Respondent’s ability to pay a civil penalty, U.S. EPA asked Respondent to submit specific financial documents. Respondent did not claim an inability to pay a penalty and has provided no facts or information which would indicate that the penalty should be adjusted for financial or other factors related to the alleged violation.

RULES GOVERNING THIS PROCEEDING

The "*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits*" (Consolidated Rules) at 40 C.F.R. part 22 govern this civil administrative penalty proceeding. Enclosed with the complaint is a copy of the Consolidated Rules.

FILING AND SERVICE OF DOCUMENTS

Respondent must file with the Regional Hearing Clerk the original and one copy of each document Respondent intends to include as part of the record in this proceeding. The Regional Hearing Clerk's address is:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Maria Gonzalez to receive any answer and subsequent legal documents that Respondent serves in this proceeding.

You may telephone Ms. Gonzalez at (312) 886-6630. Her address is:

Maria Gonzalez (C-14J)
Associate Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

PENALTY PAYMENT

Respondent may resolve this proceeding at any time by paying the proposed penalty by certified or cashier's check payable to "Treasurer, United States of America" and by delivering the check to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63917-9000

Respondent must include the case name and docket number on the check and in the letter transmitting the check. Respondent simultaneously must send copies of the check and transmittal letter to Ms. Gonzalez, at the address provided above, and to:

Joana Bezerra (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Answer and Opportunity to Request a Hearing

If Respondent contests any material fact upon which the Complaint is based or the appropriateness of any penalty amount, or contends that he is entitled to judgment as a matter of law, Respondent may request a hearing before an Administrative Law Judge. To request a hearing, Respondent must file a written Answer within 30 days of receiving this Complaint and must include in that written Answer a request for a hearing. Any hearing will be conducted according to the Consolidated Rules.

In counting the 30-day time period, the date of receipt is not counted, but Saturdays, Sundays, and federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday, or federal legal holiday, the time period extends to the next business day.

To file an answer, Respondent must file the original written answer and one copy with the Regional Hearing clerk at the address specified above.

Respondent's written answer must clearly and directly admit, deny, or explain each of the factual allegations in the complaint; or must state clearly that Respondent has no knowledge of a

particular factual allegation. Where Respondent states that he has no knowledge of a particular factual allegation, the allegation is deemed denied. Respondent's failure to admit, deny, or explain any material factual allegation in the complaint constitutes an admission of the allegation. Respondent's answer must also state:

- a. The circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. The facts that Respondent disputes;
- c. The basis for opposing the proposed penalty; and
- d. Whether Respondent requests a hearing.

If Respondent does not file a written answer within 30 calendar days after receiving this complaint, the Presiding Officer may issue a default order, after motion, under section 22.17 of the Consolidated Rules. Default by Respondent constitutes an admission of all factual allegations in the complaint and a waiver of the right to contest the factual allegations.

Respondent must pay any penalty assessed in a default order without further proceedings 30 days after the order becomes the final order of the Administrator of U.S. EPA under section 22.27(c) of the Consolidated Rules.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may request an informal settlement conference to discuss the facts of this proceeding and to arrive at a settlement. To request an informal settlement conference, Respondent may contact Ms. Gonzalez at the address provided above.

Respondent's request for an informal settlement conference does not extend the 30 calendar-day period for filing a written answer to this complaint. Respondent may pursue simultaneously the informal settlement conference and the adjudicatory hearing process. The

Complainant encourages all parties facing civil penalties to pursue settlement through an informal conference. The Complainant, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

CONTINUING OBLIGATION TO COMPLY

Respondent's payment of the civil penalty will not satisfy Respondent's legal obligation to comply with TSCA and other applicable federal, state, or local law.

CONSENT AGREEMENT AND FINAL ORDER

The U.S. EPA has authority, where appropriate, to modify the amount of the proposed penalty to reflect any settlement reached with you in an informal conference. The terms of the settlement would be embodied in a Consent Agreement and Final Order. A Consent Agreement signed by both parties is binding when the Regional Administrator signs the Consent Order.

7/16/08
Date


Margaret M. Guerriero, Director
Land and Chemicals Division

RECEIVED
MARGARET M. GUERRIERO
JUL 16 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the original signed copy of the Complaint in resolution of the civil administrative action involving Michael Cannon, was filed on July 17, 2008, with the Regional Hearing Clerk (E-13J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and that I mailed by Certified Mail, Receipt No. 7001 0320 0005 8921 6419 a copy of the original to the Respondents:

Mr. Michael Cannon
4542 North 84th Street
Milwaukee, Wisconsin 53225

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Maria Gonzales, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD


Frederick Brown, PTCS (LC-8J)
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No. TSCA-05-2008-0015-29.

RECEIVED
JUL 17 2008
REGIONAL HEARING CLERK
EPA REGION 5